

**Department of Community Planning and Economic Development – Planning
Division
Site Plan Review
BZZ-4268**

Date: December 8, 2008

Applicant: Zel-Wel, LLC, C/O Welsh Companies, Attn: Chris Kennelly, 4350 Baker Road, Suite 400, Minnetonka, MN 55343, (952)897-7867

Addresses of Property: 731 Hennepin Avenue

Project Name: Cuvee

Contact Person and Phone: Welsh Companies, Attn: Chris Kennelly, 4350 Baker Road, Suite 400, Minnetonka, MN 55343, (952)897-7867

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: November 12, 2008

End of 60-Day Decision Period: January 10, 2009

End of 120-Day Decision Period: Not applicable for this application

Ward: 7 Neighborhood Organization: Downtown Minneapolis Neighborhood Assn.
(DMNA)

Existing Zoning: B4-2 (Downtown Business) District, DP (Downtown Parking) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Lot area: 7,349 square feet or .17 acres

Legal Description: Not applicable for this application.

Proposed Use: Restaurant and office space.

Concurrent Review:

- Site plan review for an approximate 2,580 square foot roof top addition to an existing 2-story structure located in the B4-2 district.

Applicable zoning code provisions: Chapter 530 Site Plan Review.

Background: The applicant proposes to renovate and expand an existing 2-story structure formerly occupied by Shinders bookstore on the property located at 731 Hennepin Avenue. The property is zoned B4-2 and is located in the DP Overlay District. The DP Overlay District was established to preserve significant and useful buildings and to protect the unique character of the downtown area and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots. The applicant proposes to locate a restaurant tenant within the structure that would occupy the basement, ground floor and proposed roof-top terrace. The second floor would be occupied by an office user. The proposed roof-top or third floor addition for the restaurant use would be approximately 2,580 square feet in size and would be recessed approximately 6 feet, 6 inches from the building edge along Hennepin Avenue and approximately 19 feet, 6 inches from the building edge along 8th Street. Site plan review is required based on the size of the proposed addition. Initially it was thought that a parking variance would be required for the proposal as there is no associated off-street parking; however, because of the size of the development and its location in the B4-2 district, no off-street parking is required. Further details are provided in the site plan review section below.

The proposed renovations of the building include the following exterior improvements: removal of existing brick and brown awning from the former Burger King use; restoration of the façade and new awnings; new windows on the first and second floors; a restaurant entrance on 8th Street near the corner and an office entrance on Hennepin; reinforcement of the roof structure and the addition of an enclosed area on the roof-top. Additionally, the applicant is proposing the following interior improvements: addition of elevators and a stairwell for circulation; complete build-out of restaurant space in the lower level, first floor and roof-top as well as the renovation of the second floor for a future office tenant.

Staff has not received official correspondence from the Downtown Minneapolis Neighborhood Association (DMNA) prior to the printing of this report. All emails/letters received prior to the Planning Commission meeting will be forwarded on for consideration.

SITE PLAN REVIEW

Required Findings for Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**

- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.

- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The existing structure is located at the corner of Hennepin Avenue and 8th Street. The proposal is to add an approximate 2,580 square foot roof-top addition to the existing two-story structure. The structure as it currently exists has the principal entrance located along 8th Street in close proximity to the intersection. As proposed the restaurant entrance would be located essentially in the same position on 8th Street near the corner and an office entrance would be provided off of Hennepin Avenue. Both principal entries would be located directly off of the public sidewalk. The placement of the building is existing and is constructed up to all property lines. With the proposed improvements the structure would maximize natural surveillance. The proposed roof-top addition would be recessed approximately 6 feet, 6 inches from the building edge along Hennepin Avenue and approximately 19 feet, 6 inches from the building edge along 8th Street.

The building is existing. The building in its current configuration likely meets the 30% window requirement on the ground floor as well as the 10% window requirement on upper floors. With the proposed modifications to the existing structure as well as the proposed roof top additions, the structure would be in compliance with all window requirements. At least 30% of the first floor façade that faces a public street or sidewalk shall be windows. Approximately 72% are provided along the 8th Street frontage and approximately 57% are provided along the Hennepin Avenue frontage. All ground level windows must be transparent (non-reflective). The proposed structure meets the 10% window requirement on upper floors facing the public streets. The proposed 3rd floor addition has approximately 40% windows along Hennepin Avenue and 51% along 8th Street. The windows are vertical in proportion and distributed in a more or less even manner. There is one blank, uninterrupted wall greater than 25 feet in width which is located on the rear wall of the existing building adjacent to the public alley. Alternative compliance is not necessary as it is an existing condition.

The exterior materials are compatible on all sides of the existing building. The proposed modifications to the existing structure as well as the building addition will result in exterior materials that are compatible on all sides of the building. The submitted elevations reflect that the applicant is proposing that the exterior of the structure be composed of the existing brick and stone and that the proposed addition be composed of metal panels.

The proposed building form and the pitch of the roof line is compatible with the area. The existing and proposed building roof line is flat, and a 3-story structure would be compatible with other structures in the area.

There is no off-street parking associated with the subject site.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

As proposed the restaurant entrance would be located essentially in the same position on 8th Street near the corner and an office entrance would be provided off of Hennepin Avenue. Both principal entries would be located directly off of the public sidewalk.

The site is not immediately adjacent to a transit stop; however it is in relative close proximity to several bus lines.

The existing development does not provide any off-street parking.

There would unlikely be significant traffic impacts on the adjacent properties as a result of the proposed addition. The surrounding property is predominantly a mix of commercial type uses and is located within close proximity to the Hennepin Theatre District. The proposed building expansion would not be expected to have significant impacts on any of the adjacent uses.

There is a public alley adjacent to the site.

The site is not subject to an impervious surface requirement. The building is existing and is constructed up to all lot lines.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The 20% landscaping requirement is not applicable as the existing footprint of the structure is constructed up to the lot lines on all sides of the property.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**

- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

There is no off-street parking provided on the premises. The building is existing.

Staff would not expect the proposed addition to result in the blocking of views, shadowing of public space or adjacent properties. Additionally, Staff would not expect the proposed building to have significant impacts on light, wind and air in relation to the surrounding area.

The City's CPTED officer had no comments on the proposed plan as the project was not required to go through the Preliminary Development Review (PDR) process. Planning Staff would encourage the applicant to provide sufficient exterior lighting. Additionally, the provision of windows will provide desired natural surveillance.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE - The proposed uses are permitted in the B4-2 District.

With the approval of the site plan review, this development would meet the requirements of the B4-2 zoning district.

Parking and Loading: There is no off-street parking requirement for the proposed development. Section 541.420 of the Zoning Code states that for uses other than residential uses, in the B4-2 District, off-street parking shall be provided on the basis of one (1) space for each ten thousand (10,000) square feet of floor area in excess of eight hundred thousand (800,000) square feet. The total square footage of the structure with the proposed addition is approximately 24,591 square feet. The applicant is proposing to include valet parking for the restaurant patrons.

Dumpster screening: Refuse storage would be located within the building.

Signs: No signs are proposed at this time. Any signage is required to meet the requirements of the code as stated in Chapter 543. A separate permit will need to be attained through the Zoning Office when signage is requested for the subject site.

Lighting: All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for all structures in the B4-2 Districts is the gross floor area of the building which would be 24,591 square feet with the proposed addition divided by the area of the lot which is 7,349 square feet. The outcome is 3.35 which is less than the maximum of 16 that is permitted in the B4-2 District.

Minimum Lot Area: Not applicable for the existing/proposed development.

Dwelling Units per Acre: Not applicable for the existing/proposed development.

Height: Not applicable for the existing/proposed development. The Downtown Districts have no maximum building height. The size of the building is limited by the maximum FAR (see analysis above).

Specific Development Standards: Restaurants are subject to the following specific development standards in Chapter 536 of the zoning code:

Restaurant, sit down.

- (1) Where alcoholic beverages are served, not less than sixty (60) percent of total gross sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 15, Liquor and beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
- (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purpose of removing any litter found thereon.

Yard Requirements: Not applicable for the existing/proposed development.

Building coverage: Not applicable for the existing/proposed development.

Impervious surface area: Not applicable for the existing/proposed development.

MINNEAPOLIS PLAN

The *Downtown 2010 Plan* is the adopted comprehensive plan for the downtown area. The subject site is located in an area designated as entertainment. The following principles and policies outlined in *Downtown 2010 Plan* apply to this proposal:

- Promote street-level design of buildings that contribute to downtown’s vitality and security encouraging individual entrances to street-level building tenants, windows and architectural detailing.
- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality. These uses should be encouraged at the street level throughout downtown and required where the continuity of retail is important.
- Compatible office, hotel, institutional and residential uses should supplement retail above the street and skyways.
- Promote building heights and designs that protect the image and form of the downtown skyline, that provide transition to the edges of downtown and that protect the scale and qualities in areas of distinctive physical or historic character.

Planning Staff believes that this development meets the above listed policies of the *Downtown 2010 Plan*.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

No small area plans for this area of Minneapolis have been adopted by the City Council.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

No alternative compliance is necessary based on the submitted proposal.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 731 Hennepin Avenue subject to the following conditions:

1. Planning Staff review and approval of the final site and elevations.
2. All site improvements shall be completed by December 8, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. All ground level windows must be transparent (non-reflective).

Attachments:

1. Statement of use / description of the project
2. Correspondence
3. Zoning map
4. Plans – Site, landscape, elevations, floor plans, renderings
5. Photos
6. Oblique aerial